



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/166797

PRELIMINARY RECITALS

Pursuant to a petition filed June 18, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Wood County Human Services - WI Rapids in regard to FoodShare benefits (FS), a hearing was held on July 21, 2015, at Wisconsin Rapids, Wisconsin.

The issue for determination is whether the agency erred in reducing petitioner's FS benefits to \$16 effective July 1, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Wood County Human Services - WI Rapids
220 Third Avenue South
Suite 4
Wisconsin Rapids, WI 54495

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Wood County.
2. On 5/19/15, petitioner reported to the agency that petitioner's husband would begin receiving SSDI in the amount of \$1123 per month effective 5/27/15. This brought the

household gross income to \$1,732 or 132% of the federal poverty level (see FS budget screen at ex. #2). As a result of this increase in income, the agency determined that FS allotment would drop to \$16.

3. Petitioner appealed.

DISCUSSION

At hearing, petitioner did not dispute any of the income budgeted by the agency. Petitioner also did not dispute the calculations or that the rules dictate that \$16 is the appropriate allotment under the rules. Petitioner only argued that the reduction in FS was a hardship given the bills that she and her husband have and her circumstance of having cancer and undergoing chemotherapy treatments. She believes that the change is unfair.

Unfortunately, an administrative law judge must apply the rules and laws governing the benefit program at issue. An administrative law judge does not have powers of equity which would be required for me to make an exception or grant a waiver due to hardship.

CONCLUSIONS OF LAW

The agency did not err in reducing the FS allotment due to the increase in the unearned income (SSDI).

THEREFORE, it is

ORDERED

That this matter is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

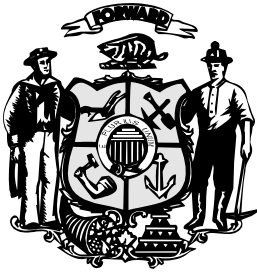
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703,

and on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of
Madison, Wisconsin, this 11th day of
August, 2015

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 11, 2015.

Wood County Human Services - WI Rapids
Division of Health Care Access and Accountability